

**SELECTMEN'S MINUTES**  
**January 13, 2014 Budget Public Hearing**

**MEMBERS PRESENT:** Chairman Phil LoChiatto, Vice Chairman Kathleen DiFruscia, Roger Hohenberger and Al Letizio were present. Mr. McLeod was delayed and arrived at approximately 7:25 pm. David Sullivan, Town Administrator and Dana Call, Asst Town Administrator were also in attendance, along with several department heads. Mr. LoChiatto opened the meeting at approximately 7:00 pm and turned the meeting to Mr. Letizio. Mr. Letizio introduced several members of Boy Scout Troop 266: Willem Shattuck, Chandler Dreyfuss, Kyle Dreyfuss, Curtis Shattuck, Cole Kiersgard, Dylan Field, Rourke Curtin, Alex Lamon. The troop lead the Pledge of Allegiance, and they recited the scout law at the opening of the meeting.

**ANNOUNCEMENTS/LIAISON REPORTS/CORRESPONDENCE / MINUTES:** None.

**NON-PUBLIC SESSION:** Mr. Hohenberger motioned and Mr. Letizio seconded to enter into nonpublic session in accordance with RSA 91-A:3 II a. Roll call vote all "yes". The topic of discussion was personnel. The Board, Mr. Sullivan and Ms. Haas were in attendance. No decisions were made.

The public meeting resumed at approximately 7:10 pm.

**BUDGET OVERVIEW PRESENTATION:** Mr. Sullivan gave an overview presentation of the 2014 proposed operating budget and warrant articles. He noted that the departments, in conjunction with the Board of Selectmen, are presenting a budget with an overall increase of \$813,249, or 6.42%. Mr. Sullivan noted that we have made significant progress since the budget was first presented in November at an approximate 10% increase. Mr. Sullivan explained that some cuts to the operating budget were made and some CIP items are proposed to be financed, which will spread out the cost. The overall CIP portion of the budget reflects a minor decrease as compared to the capital portion of the budget in the prior year. The primary source of the overall Town budget increase is a result of the operating budget, an increase of \$497,010, and special articles, an increase of \$355,410, over the previous year. Mr. Sullivan noted that much of the special articles increase is due to three union contracts that were negotiated this year, which is good news because two of the unions have been without contract since 2011.

Mr. Sullivan presented the budget overview charts and provided a brief explanation for the increases and/or decreases in the departmental budgets, including any changes in salaries and benefits (including impacts of state retirement increases, a 53<sup>rd</sup> week of payroll and proposed cost of living increases for non-union employees). Mr. Sullivan noted there is one new employee proposed in the Police department for a Community Service Officer, as well as an increase from part-time to full-time for one employee in the Library. Mr. Sullivan also noted a

significant impact due to a proposed Assessing Contracted technician, at a cost of \$100,000, which will be utilized in 2014 in order to meet the State Department of Revenue requirements for the Town's next revaluation. Mr. Sullivan then went on to explain the details of the proposed union contract articles.

Further discussion ensued regarding individual items affecting the overall Town budget increase. Mr. Sullivan noted that, within the CIP plan proposed by the Planning Board, the Selectmen have supported all of the items other than the project proposed to replace carpeting in the Library, which has been deferred to 2015.

Mr. Sullivan explained that the default budget represents a total of \$12,141,232, or \$458,758 less than the proposed operating budget of \$12,599,990.

**BUDGET PUBLIC HEARING:** Mr. McLeod motioned and Mr. Hohenberger seconded to refer to the budget as posted and dispense with reading the full notice of public hearing on the 2014 Town Budget and Warrant. Motion passed 5-0.

The proposed budget figures are as follows:

General Government	\$ 2,240,970.00
Public Safety	6,484,550.00
Highways, Streets and Bridges	1,166,830.00
Sanitation	834,495.00
Health and Human Services	53,255.00
Welfare	57,040.00
Culture and Recreation	1,402,350.00
Debt Service	500.00
Capital Outlay	360,000.00
Total Proposed Budget	<u>\$12,599,990.00</u>

The Selectmen will also address all Special Warrant Articles including:

1. \$275,000 – \$95,000 from 2014 appropriations and \$180,000 (2-year) bond for construction of Spruce Pond recreational fields
2. \$50,000 for Property Maintenance Trust
3. \$30,000 for Earned Time Expendable Trust
4. \$30,000 for Searles School Marketing and Maintenance – funding to come from Revenue Fund
5. \$16,290 for Municipal Union contract
6. \$74,820 for Fire Union contract
7. \$195,770 for Police Union contract
8. \$5,880 for funding Conservation Commission operations
9. \$850,000 for purchase of Quint Fire Engine/Ladder with \$42,500 from 2014 appropriations and \$807,500 through a federal grant
10. \$220,000 for purchase of new Ambulance (to be leased over three years) with \$80,000 from 2014 appropriations

11. \$180,000 for construction of final section of Rail Trail (offset by State of NH TE grant funds of \$135,000) with remainder of \$45,000 funded from 2014 appropriations
12. \$180,000 for purchase of a 5-ton dump truck (offset by State of NH Salt Reduction grant funds of \$144,000) with remainder of \$36,000 funded from 2014 appropriations
13. \$80,000 for purchase of a new loader for the Transfer Station
14. \$94,871 for replacing the HVAC system at the Nesmith Library
15. \$35,000 for a Water Supply Study
16. Change purpose of existing Library Building Expansion CRF to Library Maintenance and Renovation CRF
17. Rescind Town's Tattoo and Body Piercing Ordinance
18. Rescind Town's Class "C" Fireworks Ordinance
19. Rescind Town's Swimming Pool Ordinance
20. Rescind Town's Accepting Payments by Credit Card Ordinance
21. Designate parcels 25-R-7010, 25-R-8000, 25-R-7025, 25-R-103, 25-R-6000A & 25-R-6500 as Town Forest

If all special articles are approved (total \$2,317,631) the gross appropriation will increase by (\$2,054,337.21) or (15.97%) over 2013. Total gross budget for 2014 would then be \$14,917,621 (before use of other revenue sources).

The 2014 net budget, on which the tax rate is set, would be \$13,481,121, after taking into account the use of \$30,000 from the Searles Revenue fund, \$807,500 in fire grant, \$144,000 in highway grant, \$135,000 in TE (Rail Trail) grant, \$140,000 in deferred lease payments for ambulance and \$180,000 in bond proceeds for recreation fields (grand total of \$1,436,500 in revenue). The 2014 net budget would represent an increase over 2013 of \$813,249.21 or 6.42%.

The Board then turned discussion to the draft warrant articles (there were no citizens' petitioned articles at the time of posting for this hearing):

**Article 5 – \$50,000 to be added to the Property Maintenance Expendable Trust Fund** – Mr. LoChiatto explained the article. Mr. McLeod motioned and Mr. Hohenberger seconded to recommend the article. Passed 5-0.

**Article 6 – \$30,000 to be added to the Earned Time Trust Fund** - Mrs. LoChiatto explained the article. Mr. Letizio motioned and Mrs. DiFruscia seconded to recommend the article. Passed 5-0.

**Article 7 – \$30,000 for Marketing and Maintenance costs associated with Searles Building (funding to come from revenue fund)** – Mr. LoChiatto explained the article and indicated this is a standard article each year, with the funding still coming from the rental income, therefore there is no tax impact from this article. Mr. Sullivan noted that this article was increased by \$10,000 this year due to the fact that the previous years' secondary bond article of \$12,000 has been paid off, thus the overall appropriation for the Searles building is slightly lower than

prior year. Mr. McLeod motioned and Mr. Hohenberger seconded to recommend the article. Passed 5-0.

**Article 8 - \$16,290 for the 2014 cost of a Municipal Union contract reached through a collective bargaining agreement entered into by the Selectmen and AFSCME for the 2014-2017 period; additional cost for 2015 to be \$20,340, \$20,460 for 2016 and \$5,020 for 2017 – Mr. LoChiatto explained the article. Mrs. DiFruscia motioned and Mr. Hohenberger seconded to recommend the article. Passed 5-0.**

**Article 9 - \$74,820 for the 2014 cost of a Fire Union contract reached through a collective bargaining agreement entered into by the Selectmen and IAFF for the 2011-2017 period; no cost for 2011-2013; additional cost for 2015 to be \$33,990, \$34,230 for 2016 and \$9,150 for 2017 – Mr. LoChiatto explained the article, noting that Mr. Sullivan had previously gone over the details of the proposed contract. Mr. Letizio motioned and Mr. McLeod seconded to recommend the article. Passed 5-0.**

**Article 10 - \$195,770 for the 2014 cost of a Police Union contract reached through a collective bargaining agreement entered into by the Selectmen and NEPBA for the 2011-2017 period; no cost for 2011-2013; additional cost for 2015 to be \$58,010, \$48,520 for 2016 and \$9,350 for 2017 – Mr. LoChiatto explained the article, noting that Mr. Sullivan had previously gone over the details of the proposed contract. Mr. Letizio motioned and Mr. McLeod seconded to recommend the article. Passed 4-1 with Mr. Hohenberger opposed.**

**Article 11 – authorization for special meeting to address Union contract - Mr. LoChiatto explained the article. Mr. McLeod motioned and Mrs. DiFruscia seconded to recommend the article. Passed 5-0.**

**Article 12 – Conservation Commission \$5,880 – Mr. LoChiatto explained the article. Mr. Sullivan noted the amount is slightly higher than the previous year, due to the funding for a Park Ranger, which previously was paid from Conservation land funds, as well as additional funds for a minute taker. Mrs. DiFruscia motioned and Mr. McLeod seconded to recommend the article. Passed 5-0.**

**Article 13 – \$850,000 for the purchase of Quint Fire Engine/Ladder – Mr. LoChiatto explained the article and noted that this was part of the CIP Plan. Mr. Sullivan explained that the Town will receive a grant for 95% of the cost of the vehicle, or the article will be null and void. Mrs. DiFruscia motioned and Mr. Letizio seconded to recommend the article. Passed 5-0.**

**Article 14 - \$220,000 for ambulance through a three-year lease; net \$80,000 from 2014 taxation – Mr. LoChiatto explained the article. Mrs. DiFruscia motioned and Mr. Letizio seconded to amend the article to add language saying this is part of the overall CIP program. Passed 5-0.**

Mr. Sullivan noted that this is a new type of funding for the Town and explained that it is being done through a capital lease article with a non-appropriation clause, thus if the funding in the second or third year (2015, 2016) does not get approved, the ambulance will be returned to the leasing company. Mr. Hohenberger asked what the one-time cost is for installing equipment into the ambulance. Chief McPherson noted it is approximately \$5,500.

Mrs. Diane Carpenter, Glenwood Rd, asked if the Board felt this a good idea, to take the risk of having to return the ambulance. Mr. Sullivan stated that the Board has acknowledged the risk, but that with the overall budget we are facing this year, the Town had to consider other ways of funding necessary project. Mr. Ralph Valentine, Telo Rd, asked why the article reflects the \$220,000 instead of just the \$80,000, and will the second year article show only the \$80,000. Mr. Sullivan explained that in the first year, the Town must authorize the expenditure of the full \$220,000, but only raise \$80,000 in funding. The second and third year articles will reflect only the approximate \$80,000 subsequent year payments. Mr. Joel Desilets, Candlewood Rd asked if the purchase of the Fire Truck (Quint) and Ambulance is part of an overall plan to improve our ISO rating so that residents can save money on homeowners insurance. Chief McPherson noted that the Town did have a review subsequent to the purchase of our 3,000 gallon tanker truck and the addition of four firefighters several years ago, and the Town's rating was adjusted to a current rating of 6/8B, saving the average homeowner approximately \$200 per year in insurance. Chief McPherson noted the best thing for our insurance rating would be municipal water, and noted that the discussion regarding the water study would be forthcoming.

Mr. McLeod motion to recommend the article as amended and Mr. Hohenberger seconded. Passed 5-0.

**Article 15 - \$180,000 for the improvements to Windham Rail Trail with offsetting grant funds; net \$45,000 from taxation** – Mr. LoChiatto explained the article, noting the article is part of the Capital Improvement Program and reflects funding by the State. Mr. Sullivan noted that we have been advised that we did receive the grant. Mrs. DiFruscia motioned and Mr. McLeod seconded to recommend the article. Passed 5-0.

**Article 16 - \$180,000 for the purchase of a Highway truck with offsetting grant funds; net \$36,000 from taxation** – Mr. LoChiatto explained the article, noting the article is part of the Capital Improvement Program and reflects funding by the State of 80% of the cost of the truck. Mr. Sullivan noted that this is an addition to the fleet, as opposed to a replacement for an aged vehicle. Mr. Letizio motioned and Mr. Hohenberger seconded to recommend the article. Passed 5-0.

**Article 17 - \$80,000 for purchase of a loader for the Transfer Station** – Mr. LoChiatto explained the article, noting the article is part of the Capital Improvement Program. It was noted this is in concert with the

Town's vehicle replacement policy and is replacing a 2006 loader. Mrs. DiFruscia motioned and Mr. McLeod seconded to recommend the article. Passed 5-0.

**Article 18 - \$94,871 for replacement of the Nesmith Library HVAC system** – Mr. LoChiato explained the article, noting this is part of the Capital Improvement Program. Mr. McLeod motioned and Mr. Hohenberger seconded to recommend the article. Passed 5-0.

**Article 19 – Change purpose of the existing Library CRF** – Mr. LoChiato explained the article. Mr. Sullivan noted that the fund was established specifically for expansion of the Nesmith Library, which means the balance in the fund (approximately \$24,000) can only be used for expansion, whereas it is needed for maintenance and renovation. Mrs. DiFruscia motioned and Mr. McLeod seconded to recommend the article. Passed 5-0.

**Article 20 – \$35,000 for completion of a Water Study** – Mr. LoChiato explained the article. Mr. Letizio proposed clarification language to insert a comma and the word along into the existing line "...interchange, and along Route 111." Mr. Desilets asked if the \$35,000 cost could be spread among both residents and commercial developers because it would benefit both. Mr. Letizio explained that the cost is being paid by all taxpayers, both residential and commercial, however, the residential tax base represents 92% of the overall tax based. He noted the study is not being done to specifically benefit commercial development, but acknowledged the area being studied is an area for potential commercial development. Mr. Letizio motioned and Mr. McLeod seconded to amend the article. Passed 4-1, with Mr. Hohenberger opposed.

Discussion continued on the article itself. Mr. Valentine, Chair of the Windham Economic Development Committee, noted that the WEDC's infrastructure sub-committee brought this study forward. Mr. Valentine noted that there are several water systems in Town, many of which are along Route 111, that are aged and having issues. Mr. Valentine noted municipal water would also help our ISO rating, as previously discussed by the Fire Chief. In addition, Mr. Valentine noted that this could help us meet our development goals established by the 2005 Master Plan. He also cited statistics from a previous cost of services study that was done which has demonstrated cost/benefit of non-residential development. Mr. Letizio motioned and Mr. McLeod seconded to recommend the article.

Mrs. DiFruscia noted that she continues to oppose this article due to the extraordinary cost to benefit a few. She doesn't believe that you can't have commercial development without municipal water. Mr. Hohenberger also noted that we don't need to spend \$35,000 to find out that it is going to be very expensive to build a municipal water system in Town. Mr. McLeod noted that he believes this is a way to get more informed, and that there is an overall economic benefit to the entire town. Mr. Letizio noted that the \$35,000 is, in his view, not a lot of money to obtain the information that will help provide a source of additional

revenue to help support the tax base. Mr. LoChiatto noted that there are areas depicted on the map of the area to be studied, that are both residential and commercial. Mr. Valentine discussed the general areas within the map that will be included in the study, but not specific parcels.

Motion to recommend passed 3-2 with Mr. Hohenberger and Mrs. DiFruscia opposed.

**Article 21** – **Rescind Tattoo and Body Piercing Ordinance** – Mr. LoChiatto explained the article. Ms. Laura Scott noted that there will still be oversight of these facilities, but via the State and not the Town.

Mr. Letizio motioned and Mr. McLeod seconded to amend the article to strike the words “in the Town” after Piercing. Passed 5-0. Mr. McLeod motioned and Mr. Hohenberger seconded to recommend the article as amended. Passed 4-1, with Mrs. DiFruscia opposed. Mrs. DiFruscia stated she doesn’t feel the State has the capacity to be the sole oversight in this area. Ms. Scott did explain that there are facilities in Town performing these services now, but that department staff currently relies on the State inspectors to oversee.

**Article 22** – **Rescind Class “C” Fireworks Ordinance** – Mr. LoChiatto explained the article. Chief McPherson noted that this ordinance refers to a State law that has been repealed and cannot be enforced. The Town will adhere to current State law as it pertains to fireworks. Mr. McLeod motioned and Mr. Letizio seconded to recommend. Passed 5-0.

**Article 23** – **Rescind Swimming Pool Ordinance** – Mr. LoChiatto explained the article. Ms. Scott noted that the ordinance is in conflict with the State building code. Mr. McLeod motioned and Mr. Letizio seconded to recommend the article. Passed 5-0.

**Article 24** – **Rescind Accepting Payments by Credit Card Ordinance** – Mr. LoChiatto explained the article. Mrs. Call noted that it is Administration’s intention to have the existing ordinance become a Selectmen’s policy, so that changes can be made as needed, without going to Town meeting, as the law no longer requires a town meeting ordinance. Mrs. DiFruscia motioned to recommend and Mr. McLeod seconded. Passed 5-0.

**Article 25** – **Establish a Town Forest to be comprised of parcels: 25-R-7010, 25-R-8000, 25-R-7025, 25-R-103, 25-R-6000A & 25-R-6500** – Mr. LoChiatto explained the article. Mr. Sullivan indicated on the map which Town parcels (currently designated as Conservation land) are included in the proposal. Mr. LoChiatto asked why an additional layer of oversight is needed. Mr. Sullivan noted that if this is designated as a forest, the State law requires that the Board appoint a Forestry Committee. Mr. Sullivan noted that the Town will have authorization to establish a forest management plan, and funds derived can be spent at a future time with Town meeting approval. Mr. Sullivan noted that the Conservation Commission had requested this article be brought to Town

meeting. Mrs. Carpenter asked why it wouldn't be the Conservation Commission to oversee the forest. Mr. Hohenberger noted that there might be expertise beyond the Conservation Commission members that the Board might want to appoint. Further discussion ensued regarding the various laws pertaining to Town Forests and Forestry Committees. Mrs. DiFruscia motioned and Mr. McLeod seconded to recommend the article. Passed 5-0.

**Article 26 – Operating Budget** – Mr. LoChiatto explained the article, noting that the budget was presented earlier by Mr. Sullivan. Mr. Bob Coole, Morrison Rd, asked if the term “service charges” could be added to the Retirement category to distinguish that it is only a service charge and not the cost of the retirement benefit, as the retirement benefit costs are built into the departmental budgets. The Board agreed to make this change for the Warrant. Mrs. Linda Farr, Northland Rd, asked about the Library position and why it would be proposed at 32 hours versus 40 hours if we are going to pay the benefits. Mr. Sullivan noted that it is ultimately up to the Library Trustees to propose staffing for the Library. After further discussion, it was noted that there was an incorrect notation in the article explanation, and that the request of the Trustees is to move the position to 40 hours. Ms. Betty Dunn asked about the Town van and what the plan is for future replacement. Mr. Sullivan noted that it is a 1998 van with approximately 90,000 miles. He noted that we have been maintaining the vehicle with approximately \$1,500 invested this year, and that it is not used every day due to the use of the Administrative cars, which many seniors prefer to use. He indicated it is likely the van will need to be replaced in 2016, and Ms. Dunn reiterated that the Board should review the need for replacing this vehicle.

Mr. Sullivan then noted a few areas of the budget for which Administration is proposing to make changes, due to additional information that has come to our attention since the budget wrap up in December. The Fire department was notified in early January that they have received the grant for an enclosed Emergency Management trailer/equipment. The total cost is estimated at \$14,220, with 50% matching available from the State for a net cost to the Town of \$7,110. Chief McPherson requested the appropriation be funded through the EM budget. Mr. Sullivan also noted that the Town has received additional notice from the LGC Healthtrust of surplus funds that will be returned to the Town in March 2014. An initial reduction to the overall health insurance budget of \$40,000 was taken, however, the department budgets can be reduced by an additional \$21,530. These funds represent net budget savings, after the employee and retiree portions are returned.

Mr. Hohenberger made a motion to move the start date for the proposed CSO position from July 1 to September 1, representing a \$10,000 reduction in the Police budget. In addition, Mr. Sullivan noted that with Animal Control duties transitioning to the CSO late in 2014, a further reduction of \$2,000 could be made in Animal Control budget. Mr. Letizio seconded the motion. Mr. LoChiatto noted that he finds it difficult to fund a position starting in September because there will be a

significant budgetary increase in the following year and it should be funded in total or not at all. Further discussion ensued regarding this change as well as the two other requested changes to the budget.

Mr. Hohenberger amended his motion to recommend the article as amended for all items, with a net reduction of \$19,310 and a new total of \$12,580,680, as well as the added notation in the Retirement section. Mr. McLeod seconded and the motion passed 5-0.

Mrs. DiFruscia motioned and Mr. McLeod seconded to recess the public hearing on the budget in order to open the public hearing on the bond issuance. Passed 5-0.

Mr. McLeod noted that due to his position on the Board of Windham Soccer Association, which will directly benefit from this article, he will recuse himself from the discussion and stepped down.

**PUBLIC HEARING RECREATIONAL FIELD BOND:** Mr. LoChiatto opened the bond public hearing and deferred to Mr. Sullivan to read the notice into the record.

*LEGAL NOTICE  
TOWN OF WINDHAM, NH  
PUBLIC HEARING NOTICE- RECREATIONAL FIELD (SPRUCE POND  
AREA)*

*In accordance with RSA 33:8-A, the Board of Selectmen will hold a Public Hearing on a proposed bond issue in the amount of \$180,000 for the purpose of constructing a multi-use recreational field on town lot 3-B-601 (Spruce Pond) to accommodate such sports as soccer and lacrosse, to include but not limited to site work, field development, fencing, loaming and sodding, installation of a sprinkler system with an associated pump house and water storage tank, and an area for off-street parking, on **Monday, January 13, 2014 at 7:00 pm** at the Community Development Department. The total cost of the construction is estimated to be \$275,000.*

*Dated December 31, 2013*

Mr. Sullivan noted that it is the Town's intention to take out a two-year bond in 2014, with the first payment of principal and interest due in 2015.

**Article 4 – \$275,000 for construction of recreational sportsfields (Spruce Pond)** - Mr. Dennis Senibaldi, Recreation Committee, explained the article and the need for the funding noting the increased participation in all of the sports' leagues in town and the difficulty the Recreation Committee has in resting fields and keeping up with maintenance, due to the heavy use. He noted the project has been approved by the Planning Board and is ready to go, and has been approved as part of the CIP plan. Mrs. DiFruscia noted she recognizes the difficulty the Recreation Committee has had, and although the funding is difficult because of the budget proposal this year, she will

support the article this year because the cost is being spread over a multi-year bond. Mr. Hohenberger applauded the effort that Mr. Senibaldi has put into this project and he noted that he is hopeful the residents support the article, but that he can't support the article this year because of the overall budget increase. Mr. Senibaldi recognized that it will never be a good year, but that the Board of Selectmen's support on the article is important in hoping to get it passed.

Mr. Coole noted that these fields are in an area where there is approximately 150 new homes and noted that the Town has been somewhat reactionary in the past, and he would be in favor of the article. Mrs. Linda Farr, 40 Northland Road asked about the entrance to the fields being off Northland Road and not Route 28. Mrs. Farr asked about any traffic studies that have been done for the neighborhood and whether the fields can be accessed from a different area. Mr. Senibaldi discussed the process, although it was several years ago, which was reviewed by the Highway Safety Committee. He also noted that the parking lot was designed to be oversized so that there will be space for cars to come in and park even if previous cars have not left. Mrs. DiFruscia asked if Mr. Senibaldi could revisit these issues and provide additional answers in advance of the February deliberative session. Mr. McLeod, as President of Windham Soccer, discussed the area of the access road and believes that generally, those going to the field will be less likely to drive around the neighborhoods, noting that the way people drive through neighborhoods is not within our control, but recognizing that there will be additional traffic. The Soccer association does want to work with the Town to ensure the best results for use of the fields and not be disruptive. Mr. Rick Farr, 40 Northland Rd, disagreed that there will not be "neighborhood traffic" and noted that those coming from Mitchell Pond and Jackman Ridge Roads will drive through the Northland Road area to access the field. He also noted concerns about turning in and out of Route 28. Mr. Coole also noted that this should be a good time to take out a bond because of favorable interest rates. Further discussion ensued regarding the proposed use of the fields and the wording of the article.

Mr. LoChiatto closed the hearing on the bond article and moved back to the budget hearing. Mrs. DiFruscia motioned and Mr. Letizio seconded to recommend Article 4. Passed 3-1-1 with Mr. Hohenberger opposed and Mr. McLeod abstained.

Mr. McLeod resumed his position on the Board. Mr. Hohenberger motioned and Mr. Letizio seconded to move all aforementioned articles to the warrant. Passed 5-0.

Mr. Sullivan suggested the Board recess this budget hearing to January 23<sup>rd</sup> at 6:30 pm to bring up any petitioned articles, as he is aware of at least one petition expected tomorrow. Mr. McLeod motioned and Mrs. DiFruscia seconded to recess the hearing as stated. Passed 5-0. With a request from Mr. Sullivan, Mr. Letizio motioned and Mrs. DiFruscia seconded to reconsider the previous motion to recess the meeting. Passed 4-0-1, with Mr. Hohenberger abstained. Mr. Letizio motioned

and Mrs. DiFruscia seconded to add a line to warrant article 4 stating that this article is part of the Capital Improvement Program. Passed 4-0-1, with Mr. McLeod abstained. Mr. Letizio motioned and Mr. McLeod seconded to recess the hearing to January 23<sup>rd</sup> at 6:30 pm. Passed 5-0.

**NEW BUSINESS:** Ms. Scott noted that she has been asked by the Southern NH Planning Commission to testify against proposed legislation to dissolve the statewide regional planning commissions and asked if the Board had comments they wish her to provide in terms of an official position from the Board. Mr. McLeod agreed this is over-reaching legislation, does not support it and encouraged Ms. Scott to bring examples of some of the benefits the Town has received from the regional planning commissions. After further discussion, Mr. McLeod motioned to not support the legislation and send Ms. Scott with the support of the Board. Mr. Hohenberger seconded; motion passed 5-0.

Mr. Senibaldi requested the Board consider a waiver of the bid process and allow the Recreation Committee to enter into a sole source contract with its existing fireworks vendor. Mr. Senibaldi noted that the commitment is required now in order to secure the vendor for the June 28<sup>th</sup> date. The vendor gives the Town a 30% markdown and more product, due to locking in the date now and avoiding the July 4<sup>th</sup> date. Chief Morgan has expressed his satisfaction with the safety record of this vendor. Mr. Letizio motioned and Mrs. DiFruscia seconded to waive the bid process and contract with this vendor. Motion passed 3-2 with Mr. Hohenberger and Mr. McLeod opposed.

**NON-PUBLIC SESSION:** Mr. Hohenberger motioned and Mr. McLeod seconded to enter into nonpublic session in accordance with RSA 91-A:3 II e. Roll call vote all “yes”. The topic of discussion was legal. The Board, Mr. Sullivan and Mrs. Call were in attendance. The Board discussed a legal matter and Mr. Letizio motioned to have Mr. LoChiatto sign a letter on behalf of the Board, noting that all members of the Board have reviewed the documentation on the matter and the Board supports Mr. Sullivan’s decision. Motion was seconded by Mr. McLeod and passed unanimously.

Mrs. Hohenberger motioned to adjourn at 10:15 pm. Mr. McLeod seconded; passed unanimously.

Respectfully submitted,

Dana Call  
*Asst Town Administrator-Finance*

NOTE: These minutes are prepared in draft form and have not been submitted to the Board for approval.